

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

December 12, 2005

MISC. ORDER 2005-013

By the Court:

Associate Justice Rick Sims is appointed to serve as Acting Presiding Justice to discharge the duties described in the California Rules of Court, rules 75, 76, 77, and 78, during the absence of the Presiding Justice from the court on December 15, 2005, or until his return. (See Cal. Const. Art. 6, Sec. 3.) The senior member of a panel of the Court is designated the Acting Presiding Justice of that panel during the absence of the Presiding Justice.

SCOTLAND, P.J.

MISC. ORDER 2005-014

By the Court:

Associate Justice Rodney Davis is appointed to serve as Acting Presiding Justice to discharge the duties described in the California Rules of Court, rules 75, 76, 77, and 78, during the absence of the Presiding Justice from the court on December 16, 2005, or until his return. (See Cal. Const. Art. 6, Sec. 3.) The senior member of a panel of the Court is designated the Acting Presiding Justice of that panel during the absence of the Presiding Justice.

SCOTLAND, P.J.

C048784

KEYES v. WRIGHT

(Not for Publication)

The judgment is reversed. Keyes is awarded her costs on appeal. (Cal. Rules of Court, rule 27 (a) (1).)

BLEASE, Acting P.J.

I concur: Morrison, J.

... I respectfully dissent...

... Accordingly, I conclude primary assumption of risk bars plaintiff's complaint against her coparticipant, and would affirm the trial court's grant of summary judgment.

Nicholson, J.

C048900

BANIS RESTAURANT DESIGN, INC. v. SERRANO et al.

(Certified For Publication)

THE COURT:

The opinion in the above-entitled matter filed on November 18, 2005, was not certified for publication in the Official Reports. For good cause it now appears that the opinion should be published in the Official Reports and it is so ordered.

SIMS, Acting P.J.

MORRISON, J.

HULL, J.

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The Minutes

December 13, 2005

- C046707 THE PEOPLE v. VU et al. (Not for Publication)**
The trial court is ordered to strike the parole revocation fine... The trial court shall issue amended abstracts of judgment reflecting these changes and forward certified copies to the Department of Corrections and Rehabilitation. In all other respects the judgments are affirmed.
CANTIL-SAKAUYE, J.
We Concur: Scotland, P.J.
Robie, J.
- C046818 THE PEOPLE v. WHITEHORN (Not for Publication)**
The judgment is affirmed.
NICHOLSON, Acting P.J.
We Concur: Raye, J.
Robie, J.
- C049208 In re KOBE K.; GLENN COUNTY HUMAN SERVICES AGENCY v. JUSTIN K. et al. (Not for Publication)**
The orders of the juvenile court terminating parental rights are reversed. The juvenile court is directed to set a new hearing providing proper notice to mother of the date and time of the hearing and appointing new counsel to mother if necessary.
CANTIL-SAKAUYE, J.
We Concur: Scotland, P.J.
Robie, J.
- C046744 CLAUDIO v. REGENTS OF THE UNIVERSITY OF CALIFORNIA**
THE COURT:
The opinion in this matter, filed November 22, 2005, is modified...
...This modification does not change the judgment.
The petition for rehearing is denied.
SIMS, Acting P.J.
DAVIS, J.
CANTIL-SAKAUYE, J.

December 14, 2005

- C045348 THE PEOPLE v. MILES (Not for Publication)**
The judgment is affirmed.
SCOTLAND, P.J.
We Concur: Morrison, J.
Hull, J.

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December 14, 2005, continued

C048280 SMOLENSKI v. SMOLENSKI, as Trustee, etc. (Not for Publication)

The judgment is affirmed.
 DAVIS, Acting P.J.
We Concur: Morrison, J.
 Robie, J.

C046907 In re JUSTIN F.; THE PEOPLE v. JUSTIN F. (Not for Publication)

The order committing the minor to CYA is affirmed...
 SCOTLAND, P. J.
We Concur: Raye, J.
 Hull, J.

December 15, 2005

C048894 THE PEOPLE v. PERRON (Not for Publication)
 The judgment is modified... As modified, the judgment is affirmed.
 ROBIE, J.
We Concur: Scotland, P.J.
 Nicholson, J.

C049313 THE PEOPLE v. PALMER (Not for Publication)
 The judgment is affirmed...
 DAVIS, J.
We Concur: Sims, Acting P.J.
 Hull, J.

December 16, 2005

At 9:36 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Sims, Associate Justice; Nicholson, Associate Justice; Hull, Associate Justice; and Facey, bailiff.

C046145 TRICHE v. TAYLOR et al.
 Cause called. Alma Triche argued In Pro Per as appellant. Claudia Robinson argued for respondents Coker & Cook et al. Stephen J. Mackey argued for respondents Taylor et al. Cause submitted.

At 10:10 a.m., the court recessed until 9:30 a.m., Monday, December 19, 2005.

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December 16, 2005, continued

- C047188 THE PEOPLE v. HULL (Not for Publication)**
The judgment is modified... As modified, the judgment is affirmed.
BLEASE, Acting P.J.
We Concur: Davis, J.
Morrison, J.
- C047212 THE PEOPLE v. KHALJI (Not for Publication)**
The judgment is affirmed.
SIMS, J.
We Concur: Blease, Acting P.J.
Hull, J.
- C047267 THE PEOPLE v. HOLBROOK-RAMIREZ (Not for Publication)**
The judgment (order of victim restitution) is affirmed.
ROBIE, J.
We Concur: Scotland, P.J.
Nicholson, J.
- C049016 THE PEOPLE v. ELMORE (Not for Publication)**
The judgment is reversed.
HULL, J.
We Concur: Blease, Acting P.J.
Butz, J.
- C049024 THE PEOPLE v. GARZA (Not for Publication)**
The judgment is affirmed...
SIMS, Acting P.J.
We Concur: Davis, J.
Hull, J.
- C049750 THE PEOPLE v. PORTER (Not for Publication)**
The judgment is affirmed. The trial court is directed to correct the
abstract of judgment and to forward a certified copy to the Department of
Corrections and Rehabilitation.
BLEASE, Acting P.J.
We Concur: Sims, J.
Hull, J.

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December 16, 2005, continued

- C048714 PACE v. PACE (Not for Publication)**
The judgment is affirmed. The parties shall bear their own costs on appeal. (Cal. Rules of Court, rule 27(a) (5).)
SIMS, Acting P.J.
We Concur: Hull, J.
 Robie, J.
- C049044 LLM INVESTMENTS, INC. v. G.E. CAPITAL BUSINESS ASSET
FUNDING CORPORATION (Not for Publication)**
The judgment is affirmed.
SCOTLAND, P.J.
We Concur: Davis, J.
 Morrison, J.